T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

| | | | • | | | | | |
|--------------------|-------------------------|--|---|--|--------------------------------------|------------------------------------|--|--|
| Date: | | | 26-Mar-08 | APPL: S. N: | 1077 | 1096 | | |
| To Exan | niner: | | TSAI, TSUNG-YIN | Art Unit | 2624 | | | |
| From | | | Jefferson, Henry PARALEGAL SPCECIALIST | Return This Memo To: (Drop-Off Location | Case JEF-2 | D68 | | |
| SUBJEC | CT: Decisio | on on Terminal | Disclaimer(T.D.) filed: | | | | | |
| form pa or have | ragraphs i any quest | identified by th tions, please se | is informal memo in your r se me or the Special Progra | the results as set forth below. In the the control of the control | licant of the T.D. DRMAL, INTERNA | . If you disagree AL MEMO ONLY. | | |
| please i | nitial, date | e and return th | is memo to me. THANK YO | U. | | | | |
| V | The T.D. | is PROPER an | d has been recorded (see 1 | 14.23). | • | • | | |
| Γ | The T.D. | . is NOT PROPE | R and has not been accept | ed for the reason(s) checked t | oelow (see 14.24 | !): | | |
| | Γ | The TD fee of use of a depo | | omitted nor is there any autho | rization in the ap | oplication file for the | | |
| | | The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01). | | | | | | |
| | T. | The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01). | | | | | | |
| | | The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02). | | | | | | |
| | | The person w | ho signed the T.D.: | | | | | |
| | | is no | ot an attorney "of record" (| see 14.29 and 14.29.01). | | | | |
| | | has | failed to state his/her capa | acity to sign for the business e | ntity (see 14.28) |). | | |
| | | is n | ot recognized as an officer | of the assignee (see 14.29 & p | ossible 14.29.02 | 2). | | |
| | Г | No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30). | | | | | | |
| | È | The T.D. is no | ot signed (see 14.26 & 14.2 | 26.03). | | | | |
| | Г | | mber of the application (or ection is missing or incorre | the number of the patent) wh ct (see 14.32). | ich forms the ba | sis for the double | | |
| | | The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05). | | | | | | |
| | | The period di | sclaimed is incorrect or not | specified (see 14.26, 14.27.0 | 2 or 14.26.03). | | | |
| | | Other: | • | | | | | |
| | | | request refund (see 14.36 neck this item. | 5). NOTE: If already authorized | i, credit refund t | o deposit account | | |
| I have a | appropriate | ely notified app | olicant(s) of the status of th | ne Terminal Disclaimer filed in | this case. | | | |
| Ex.Initia | als: | Date | e: | | Log (| Date: | | |
| | | | | | | | | |

| Application Number | 10/771,096 | | Applicant(s)/Patent under Reexamination CLARK, ADAM LESLIE | | | |
|-----------------------------|---|-------------|---|--|--|--|
| Document Code - DISQ | - 9c + 1 | Internal Do | ocument – DO NOT MAIL | | | |
| | | | | | | |
| TERMINAL DISCLAIMER | ⊠ APPROVI | ED | □ DISAPPROVED | | | |
| Date Filed : March 11, 2008 | This patent is subject to a Terminal Disclaimer | | | | | |
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| Approved/Disapproved by: | | | | | | |
| Henry D. Jefferson | | | | | | |
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| TERMINAL DISCLAIMER TO OBVIATE A PRO | OVISIONAL DOUBLE PATENTING | Docket Number (Optional) | | | | | | | |
|--|----------------------------|--------------------------|--|--|--|--|--|--|--|
| REJECTION OVER A PENDING "REF | ERENCE" APPLICATION | 40006997-0003-002 | | | | | | | |
| | | | | | | | | | |
| In re Application of: Clark | | • | | | | | | | |
| Application No.: 10/771,096 | * * * | | | | | | | | |
| Filed: February 2, 2004 | : | | | | | | | | |
| For: System and Method for Transmitting Live Audio/Video Information | | | | | | | | | |
| The owner*, Adams Platform Piy Ltd , of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/770,952 filed on February 2, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed | | | | | | | | | |
| in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant. | | | | | | | | | |
| Check either box 1 or 2 below, if appropriate. | • | | | | | | | | |
| For submissions on behalf of a business/organization etc.), the undersigned is empowered to act on behalf | | rnment agency, | | | | | | | |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. | | | | | | | | | |
| 2. The undersigned is an attorney or agent of record. | Rea. No. 51,773 | | | | | | | | |
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| • | | • • | | | | | | | |
| / Mat | thew E. Hanley / | March 11, 2008 | | | | | | | |
| | Signature | Date | | | | | | | |
| Matthew E. Hanley for Tarek N. Fahmi (Reg. No. 41,402) | | | | | | | | | |
| Typed or printed name | | | | | | | | | |
| | | 973-912-7177 | | | | | | | |
| • | | Telephone Number | | | | | | | |
| Terminal disclaimer fee under 37 CFR 1.20(d) is include | d | | | | | | | | |
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| *Statement under 37 CFR 3.73(b) is required if terminal disclar | | | | | | | | | |

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.